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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,316	06/25/2003	Junichi Yamagishi	F-7872	5286
28107	7590	11/29/2005	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No. 10/603,316	Applicant(s) YAMAGISHI, JUNICHI	
	Examiner Vernal U. Brown	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/16/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on September 16, 2005.

Response to Amendment

The examiner acknowledges the amendment of claims 1-4.

Response to Arguments

Applicant's arguments filed 9/16/2005 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding the direction in which the lid is opened, the reference of Usui is relied upon for teaching a fingerprint reader having a lid configured to open and close the opening for the fingerprint reader and a switch provided for the power supply circuit and configured to interlock with the lid so as to turn on and off the power supply circuit in response to the opening and closing of the lid (Abstract) in order to protect the fingerprint reader from dust and other environmental contaminants.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Usui Japanese Patent JP02002155650 and further in view of Blythe US Patent 5054056.

Regarding claim 1, Hsu et al. teaches a locking apparatus (34) having a fingerprint reader (16), a fingerprint verifier (30), and inherently includes a power supply circuit, the fingerprint reader being configured to read a fingerprint, the fingerprint verifier being configured to verify the read fingerprint based on registered fingerprint data, and according to a result of the verification, authenticate a person who entered the fingerprint, the locking apparatus being configured to unlock, if the person is authenticated (col. 4 lines 26-41). Hsu et al. is silent on teaching a chamber having an opening and configured to contain the fingerprint reader; a lid configured to open and close the opening of the chamber; and a switch provided for the power supply circuit and configured to interlock with the lid so as to turn on and off the power supply circuit in response to the opening and closing of the lid. Usui in an art related fingerprint lock invention teaches a lid configured to open and close the opening of the chamber; and a switch provided for the power supply circuit and configured to interlock with the lid so as to turn on and off the power supply circuit in response to the opening and closing of the lid (Abstract) in order to protect the fingerprint sensor from environmental condition and conserve the power source of the lock. One skilled in the art further recognizes that the cover of a coin return bin 26 as shown in figure 1 of the reference of Blythe rotates inwards and is conventionally used to protect the coin return mechanism of the pay phone.

It would have been obvious to one of ordinary skill in the art to have a lid configured to open and close the opening of the chamber; and a switch provided for the power supply circuit and configured to interlock with the lid so as to turn on and off the power supply circuit in response to the opening and closing of the lid in Hsu et al. as evidenced by Usui because Hsui et al. suggests a fingerprint sensor for acquiring the fingerprint for activating a locking apparatus and Usui teaches a lid configured to open and close the opening of the chamber; and a switch provided for the power supply circuit and configured to interlock with the lid so as to turn on and off the power supply circuit in response to the opening and closing of the lid in order to protect the fingerprint sensor from environmental condition and conserve the power source of the lock. One skilled in the art further recognizes that the a lid that rotates inward and serves as a means of protection is widely used.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Japanese Patent JP02002155650 in view of Blythe US Patent 5054056 and further in view of Salatino et al. US Patent 5920640.

Regarding claims 2-4, Hsu et al. in view of Usui teaches the use of a lid for covering the fingerprint sensor (see response to claim 1) but is silent on teaching the lid is made of conductive material and is grounded. Salatino et al. teaches fingerprint sensing device teaches the grounding of the housing of the fingerprint sensor (col. 7 lines 23-39) in order to protect the sensor from electrostatic charge. Salatino et al. further teaches the chamber is formed in a shape to receive the finger (figure 1) and teaches the cover is moveable in order to access the fingerprint sensor (col. 7 lines 33-34). Salatino is also silent on teaching the lid is open when pushed toward the inside

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of the chamber. One skilled in the art recognizes that it is a conventional practice of opening a lid by pushing on the lid as evidenced by ashtray in a vehicle.

It would have been obvious to one of ordinary skill for the lid to be made of conductive material and is grounded in Hsu et al. in view of Usui in view of Blythe as evidenced by Salatino et al. because Hsu et al. in view of Usui in view of Blythe suggests the use of a lid for covering the fingerprint sensor and Salatino et al teaches the grounding of the housing of the fingerprint sensor in order to protect the sensor from electrostatic charge and one skilled in the art recognizes that it is a conventional practice of opening a lid by pushing on the lid as evidenced by ashtray in a vehicle.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
November 17, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

